

### **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and following remarks, which place the application into condition for allowance.

#### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-8 are pending in this application. Claims 1-3 and 6-8 are rejected in the Office Action. Claims 3, 4, 5, and 7 have been amended. No new subject matter is added as a result of the amended claims.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims are now in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Applicants have hereby amended the specification.

#### **II. THE REJECTIONS UNDER 35 U.S.C. § 112**

As detailed above, independent claims 3-5 and 7 have been amended. Accordingly, Applicants' attorneys respectfully request withdrawal of the § 112 rejections.

## II. THE REJECTIONS UNDER 35 U.S.C. § 102(b)

In paragraph 8 of the Office Action, claims 1-3 and 6-8 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,392,374 to Menetrier et al. (hereinafter merely "Menetrier"). The rejections are traversed for at least the following reasons.

As recited in independent claim 1, the instant invention is directed to *inter alia*:

"A device ... provided with a crank and with a crank pin and ... comprises a slider that can move in translation, has a rest position and is provided with tracks in which the crank pin is displaced, and wherein, when the slider is displaced toward its rest position, the tracks allow the crank pin to be guided toward three zones of the slider in which its position is stable and which correspond to the three positions of the switching means." (Emphasis added).

As understood by the Applicants, Menetrier relates to a control device that includes a switch controlling the power supply to a motor and an actuator which actuates this switch by rotatably reacting against the moving object being restrained so as to cause the switch to be opened and to cut off the power supply to the motor. This actuator consists of a bistable (two stable positions) mechanical device capable of taking up an ON state in which the switch is closed and an OFF state in which the switch is open. Firstly, when the slider of the instant invention is displaced toward its rest position, the tracks allow the crank pin to be guided towards three zones of the slider in which its position is stable and which correspond to the three positions of the switching means. The three positions of Menetrier that the Examiner is referring to are actuated by the movement of a cam 33' (See col. 5, lines 38-66 of Menetrier) and not a crank or crank pin as recited in claim 1. Moreover, the slider 14 of Menetrier does not have any tracks. It is instead the fixed part 13 that is provided with tracks. Therefore, in Menetrier, the fixed part 13 cannot be provided with a spigot and the slider 14 cannot be provided with tracks.

Therefore, in a configuration according to Menetrier, the cam 9 cannot actuate the spigot.  
(Menetrier, Co. 4, lines 1-11).

The device of the instant invention comprises a slider that can move in translation and provided with tracks in which the crank pin is displaced. Menetrier, however, does not teach or disclose the use of a crank or a crank pin for controlling the electrical powering of the motor. The pin 16 and tracks 15 that the Examiner refers to in the Office Action are referred to as a spigot or faucet 16 and ramp, trap or slot 15 in Menetrier. It, however, does not teach the use of a crank pin or tracks, as previously discussed, in order to control the electrical power of the motor.

For at least the foregoing reasons, Applicants' attorneys respectfully submit that amended independent claim 1 patentably distinguishes over the relied upon portions of Menetrier and is therefore allowable. For similar reasons, independent claim 8 is believed to be patentable. Further, claims 2-7 that depend from claim 1 are allowable therewith.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

### **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the


Examiner specifically indicate those portions of the reference or references, providing the basis for a contrary view.

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
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